



AFS

Docket No.: NEL-0018/NP
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
R. Elaine Fulton et al.

Application No.: 10/784,305

Confirmation No.: 1520

Filed: February 24, 2004

Art Unit: 1648

For: GENETIC ENGINEERING OF STREPTAVIDIN-
BINDING PEPTIDE TAGGED SINGLE-CHAIN
VARIABLE FRAGMENT ANTIBODY TO
VENEZUELAN EQUINE ENCEPHALITIS VIRUS

Examiner: S. B. Chen

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

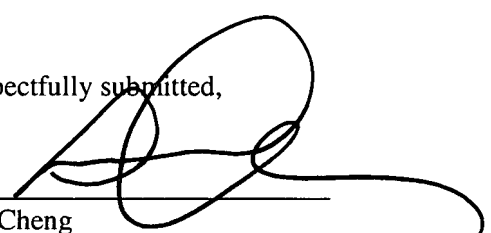
Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated October 12, 2007, Applicant hereby states that in light of the Interview Summary mailed on October 26, 2007, the Appeal Brief filed on July 10, 2007 is compliant.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order NEL-0018/NP from which the undersigned is authorized to draw.

Dated: November 1, 2007

Respectfully submitted,

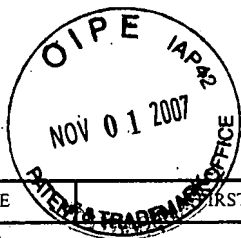
By 
Lee Cheng

Registration No.: 40,949
RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W. Suite 501
Washington, DC 20036
(202) 955-3750
Attorneys for Applicant



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,305	02/24/2004	R. Elaine Fulton	NEL-0018/NP	1520

23353 7590 10/26/2007
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

CHEN, STACY BROWN

ART UNIT PAPER NUMBER

1648

MAIL DATE DELIVERY MODE

10/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Y4: 80283-0021

DOCKETED

Interview Summary



Interview Summary

Application No.

10/784,305

Applicant(s)

FULTON ET AL.

Examiner

Stacy B. Chen

Art Unit

1648

All participants (applicant, applicant's representative, PTO personnel):

(1) Stacy B. Chen (PTO)

(3) _____

(2) Lee Cheng (Appl. Rep.)

(4) _____

Date of Interview: 23 October 2007

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: _____

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Stacy B. Chen 10/23/07

STACY B. CHEN
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: In a telephone conversation with Lee Cheng on 10/18, the appeal brief of record was discussed with regard to the formality of the claims appendix. The examiner had sent a notice of non-compliance because the claims appendix lists all claims as opposed to listing the sole claim on appeal. The examiner requested clarification from the BPAI regarding the format for the claim appendix and was informed that as long as the non-appealed claims are properly identified in addition to the claim on appeal, the claims appendix would be considered compliant. Therefore, Applicant will file a response to the notice of non-compliance indicating that the appeal brief is compliant.